**Amity Township Board of Supervisors**

**Meeting Minutes**

## March 5, 2014

## **Call to Order/Pledge to the Flag**

The March 5, 2014 meeting of the Amity Township Board of Supervisors, held at the Township Municipal Building, 2004 Weavertown Rd., Douglassville, Berks County, Pennsylvania, was called to order at 7:00 PM by Chairperson Kim McGrath. :

### SUPERVISORS

Kim McGrath, Chair

Richard Gokey, Vice Chair

Paul Weller

Terry Jones

David Hackett (arrived at 7:06PM)

### STAFF

Charles Lyon, Manager

Pamela Kisch, Secretary

Kent Shuebrook, Chief of Police

Brian Boland, Solicitor, Kozloff/Stoudt

**ANNOUNCEMENTS**

None

**PUBLIC COMMENT (AGENDA ITEMS ONLY)**

None

**MINUTES**

Mr. Jones made a motion to ratify the purchase of the police cruiser at a purchase price not to exceed $24,500.00, seconded by Mr. Weller. Motion passed, 4-0. Mr. Jones made a motion to accept the February 19, 2014 minutes as presented, seconded by Mr. Weller. Motion passed, 3-0-1. Mr. Gokey abstained.

**FINANCE**

Mr. Jones moved, seconded by Mr. Weller to approve disbursements as follows:

Disbursements $ 82,904.15 General Fund

$ 20,597.13 Sewer Fund

$ 3,990.06 EDU Fund

$ 10,552.97 Liquid Fuels

$118,044.31 Total

Motion passed, 4-0.

**REPORTS**

***Code Department*** The February Code report was presented to the Board. Mr. Lyon stated some Township owned sidewalks have not been cleared by the Road crew, due to the back to back snow storms, on-going winter maintenance and repairing pot holes. Mr. Gokey made a motion to approve the 3-day training program for Steve Loomis, at a cost not to exceed $295.00. Motion was seconded by Mr. Weller. Motion passed, 4-0.

Mr. Hackett entered the meeting at 7:06PM.

***Road Department*** Mr. Howell-Clarke stated the backhoe needed rear tires. He stated there was money in his budget, and requested approval to purchase 2 (two) tires for $1,892.80 which included on-site installation. Mr. Jones moved, seconded by Mr. Gokey to approve the purchase as requested. Motion passed, 5-0. Mr. Howell-Clarke provided pictures of Hamilton Boulevard in Allentown, which was paved using Nova Chip Seal. This type of seal is applied ¾ inch thick and is smoother, with only one seam. The road projects were presented as Option 1 and Option 2, with preference to complete both projects using Nova Chip for Option 2. Mr. Howell-Clarke requested the Board’s permission to prepare a bid package and advertise for both options. Manager Lyon recommended structuring the bid as Alternate 1 and Alternate 2, disclosing intentions of doing as much work as possible, pending available funds. Such disclosure could be done at a mandatory pre-bid meeting. Mr. Boland opined this would be acceptable, by providing a “unit price”. Mr. Gokey made a motion to approve advertising as recommended by the Manager. Mr. Weller seconded the motion. Motion passed, 5-0.

**UNFINISHED BUSINESS**

***Rural Village*** The Board acknowledged receiving one letter from Mr. and Mrs. Purcell, of 1842 Weavertown Road, citing reasons for their opposition of passing the Rural Village Zoning Ordinance.

**SOLICITOR’S REPORT**

Mr. Boland reported on his synopsis of the Radio End User Agreement, as requested. He noted undefined terms and made suggested revisions. Mr. Boland recommended sending the agreement back to the County for revisions. The Board concurred. Mr. Boland recalled to everyone’s attention that Amity had joined the NE Berks Consortium to take part in the renegotiation of the Comcast Cable Franchise agreement. The 10-year agreement, which he felt was well-written, would guarantee the same franchise fee contribution, regardless of pricing given to customers by bundling or packaging cable with other Comcast services. Mrs. McGrath suggested voting on adoption of the Comcast Cable Franchise Agreement at the scheduled April 2nd BOS meeting. Mr. Weller moved, seconded by Mr. Jones to authorize advertisement of the meeting. Motion passed, 5-0. Mr. Boland reviewed the Polling Place Agreement prepared by the County for all polling locations. Although not well-written, Mr. Boland had no objections to executing the agreement. Mr. Jones moved, seconded by Mr. Weller to execute the agreement. Motion passed, 5-0. Mr. Boland requested approval of Resolution 14-05; indicating Hess Corporation has met the conditions of the Zoning Hearing Board of the in-house review that began on 10/21/2013. The Ramseys sent written confirmation of their acceptance of the Hess offer on 1/10/2014. Mr. Jones made a motion to approve the Resolution, seconded by Mr. Gokey. Motion passed, 5-0. Empire Wrecking was the lowest bidder for the excavation and hauling of dewatered sludge from the sludge drying beds, at the rate of $48.60/ton, for 1,000 tons for a total bid of $48,600.00. Franc Environmental and McGovern bid the liquid hauling. McGovern was lowest bidder. JP Mascaro was the only bidder for the dewatered sludge and grit removal. Copies of all bids were sent to ARRO, and returned with no negative comments. Manager Lyon recommended accepting the 3-year bids from McGovern and JP Mascaro. Mr. Boland stated he had prepared two agreements for McGovern and JP Mascaro, however he felt there may be changes requested by at least one firm’s attorney. Mr. Jones moved to accept the bids as proposed by Mr. Boland, subject to final review by the Manager and Mr. Boland. Mr. Weller seconded the motion, which passed, 5-0. The Conditional Use Hearing for Pineapple Lane LLC, scheduled to be held on Thursday, 3/20/2014 at 7PM was advertised on 3/5/2014, and will be advertised again on 3/12/2014.

**NEW BUSINESS**

***Approve Mandatory Operator Training – Paul Darrah III*** Mr. Weller moved to approve the training, at a cost not to exceed $130.00, seconded by Mr. Gokey. Motion passed, 5-0.

***Monocacy Hill Moonlight Hike for March 16, 2014*** With recent freezing temperatures, limited staff availability to clear downed trees, and in the sake of public safety, the consensus of the Board was the Hill would not be ready in time for this hike and followed the recommendation of the Board of Parks & Recreation in denying the request. All members agreed if circumstances arose that conditions were satisfactory, to follow the recommendation of the the Manager.

EMPLOYEE/OFFICIAL REPORTS

**Manager:** Mr. Lyon requested the Board confirm appointment of Tax Collection Committee delegates. Mr. Gokey moved, seconded by Mrs. McGrath to appoint Charles Lyon as the primary voting delegate and Pam Kisch as the designated alternate voting delegate. Motion passed, 5-0. With snow storms and freezing weather, punchlist review in High Meadows has been placed on hold. Inspection by the PADEP of the WWTP yielded no violations or findings. The effect of back to back storms has taxed all employees, and infringed upon WWTP processes. This was most evident during the recent thaw, producing 8 (eight) Million Gallons per Day (MGD) for three to four days. The Manager expects with warming temperatures that this issue will resurface. Mr. Howell-Clarke and the Mr. Lyon reviewed snow removal processes. Standard operating procedures will be followed for single-event storms. Back to back events will present additional challenges, possibly requiring using additional resources. Robert R. Miller, 248 Pine Forge Road, has been elevated to rank of Eagle Scout, in Troop 597. A Court of Honor will be held March 30, 2014 at St. Paul’s UCC. As the Emergency Condition no longer exists, Mr. Lyon recommended to the Emergency Manager to close the Emergency Disaster Declaration, which was ratified on February 19th, 2014. He was unaware of any purchases that were made outside of code. Emergency Manager Terry Jones agreed and recommended closing the Declaration. Mr. Weller moved, seconded by Mr. Gokey to close the Declaration effective March 5th, 2014. Motion passed, 5-0. The Manager met with Malcolm Cole, director of SBREMS regarding relocation of rigs and changes to their standard operating procedures. Mr. Cole agreed to provide the dates and times when the Station 3 rig is actually on-site at Station 3. Kathie Benson and Mr. Lyon met with Jim Cochrane and Lewis Brandolini to discuss the Montague property. Mr. Brandolini requested information on vested rights of the approved PRD (Planned Residential Development). Mr. Boland agreed to research. The Manager requested approval to send Mr. Howell-Clarke to ESM training in Reading on March 26th and 27th, in order to qualify for funding for gravel road maintenance. The training is offered at no charge. Mr. Weller moved, seconded by Mr. Gokey to approve training. Motion carried, 5-0. The Manager received another notification of a class action lawsuit, which suggested we may receive compensation for receiving unsolicited faxes from David Randall Associates. The Boyer Memorial has exceeded their financial goal of $50K. The Construction Committee will be meeting on Monday, March 10th, to select contractors and laborers. Marlin Zechman notified the Manager he would like to purchase the trees for the TreeVitalize Grant. $6002.00 of funding has been authorized, but the initial payment has not been disbursed by the DCNR. Mr. Lyon and the Recreation Board recommend the Township agree to pay the $4201.00 requested (70% of the total grant award) to allow Mr. Zechman to acquire the trees. Mr. Gokey made a motion to follow their recommendation, seconded by Mrs. McGrath. Motion passed, 5-0. Mr. Gokey asked if he was still authorized to purchase the water tank for the Road crew. Members of the Board agreed the motion was made and passed in a prior meeting to authorize the purchase. Mr. Lyon reported the oldest pavilion in the Township, at Lake Drive is in disrepair. The DCNR is accepting applications for rehabilitation and accessibility grants, which provide a 50% match. Mr. Loomis provided a rough estimate of $31,500.00 to rehab the pavilion, install a new “A” frame roof, provide ADA access, and add two additional parking spaces. Mr. Weller stated there have also been security and vandalism issues, suggesting cameras be installed, as well. Mr. Gokey stated he would like to see the pavilion rehabbed. The consensus of the Board was to allow application for the grant and provide 50% match, based upon Mr. Loomis’ estimate. The Supervisors directed the Manager to apply for the grant.

**Chief of Police:** Chief Shuebrook requested permission to list three of his fleet vehicles on Municibid. Due to the age and mileage of the vehicles, he estimated a total revenue of the sales to be approximately $3K. The Chief presented a quote of $1,997.94 to outfit the unmarked detective vehicle, which would allow it to be used as an emergency vehicle, if needed. Mr. Jones moved to proceed with outfitting the vehicle at a cost not to exceed $1,997.94. The motion was seconded by Mr. Gokey, and passed 5-0. The Chief requested authorization to send Officer Christopher High to the annual three-day Breaching Seminar March 10-14, 2014 in Las Vegas. Registration and room costs paid by the Berks County Emergency Response Team. Meal costs to be paid by the Amity Township PD, maximum total of $250.00. Mr. Jones moved, seconded by Mr. Weller to approve sending Officer High to the training, with meal expenses not to exceed $250.00. Motion passed, 5-0.

###### SUPERVISORS

Mr. Gokey asked the Board to think about how they can be sure the Rural Village Zoning Ordinance won’t affect taxes, because the last County-wide reassessment was done in 1994. Mr. Boland responded it was the first and last reassessment. Mr. Jones stated properties must be reassessed by how the property is zoned currently. Mrs. McGrath stated use and improvements have an impact on reassessment, stating her property was zoned Light Industrial but was assessed as farmlands, due to the use.

**PUBLIC COMMENT**

Susan Smolinsky reported Amity Crime Watch had made a $2,000.00 donation to the Amity Township Police Department for infrared cameras and night vision goggles. Chief Shuebrook thanked Mrs. Smolinsky, and stated he would discuss use of the funds with Officer Gauby. Mrs. Smolinsky mentioned she believed a neighbor on Mulberry Place was putting out non-recyclable trash that JP Mascaro was picking up on recycling day. Mrs. Smolinsky questioned Mr. Gokey about his interest in the Merritt property located in the Rural Village Zone proposed in the Township. Mr. Gokey replied he had inquired about the price, but made no offer to purchase that particular property.

**EXECUTIVE SESSION**

Manager Lyon stated he had two police issues to address, and asked if the Board would prefer it be discussed at the public meeting or in Executive Session. Mr. Jones stated if it regards personnel, he feels the issues should be addressed in Executive Session. At 8:15PM, with there being no further business, and upon a motion by Mr. Jones, and seconded by Mr. Hackett, the meeting was adjourned to an Executive Session, without intent to return. Motion passed, 5-0.

Respectfully submitted,

Pamela Kisch

Secretary